

**IN THE CLAIMS**

1. (previously presented) A data processing apparatus for executing reproduction of data from a memory device or for recording of data into a memory device  
on condition that a mutual authentication between said data processing apparatus and said memory device is established comprising:
  - a virtual memory device;
  - a structure executing said mutual authentication with said virtual memory device when said memory device cannot function to execute said mutual authentication; and
  - a structure executing said reproduction of data from said memory device or said recording of data into said memory device on condition that mutual authentication between said data processing apparatus and said virtual memory device is established.
2. (previously presented) The data processing apparatus according to Claim 1 further comprising a structure executing the mutual authentication with said memory device when said mutual authentication is available by initially checking whether said memory device is capable of executing said mutual authentication or not.
3. (currently amended) The data processing apparatus according to Claim 1, further comprising:
  - a key for authenticating distribution of an enabling key block, said key having been previously enciphered by such enabling key block containing enciphering data for enciphering renewal keys on paths constituting a hierarchical key tree structure comprising a variety of keys disposed in correspondence with tree roots, nodes, and leaves on paths ranging from roots to leaves of said key tree structure, the tree structure corresponding to a plurality of data processing apparatuses as own leaves, said enciphering data further comprising upper-rank keys in said tree hierarchy which are to be enciphered by lower-rank keys; and
  - said mutual authentication executed between said data processing apparatus and said virtual memory device is executed by applying said enabling key block distribution authenticating key and ~~the~~another authenticating key previously stored in said virtual memory device.
4. (previously presented) The data processing apparatus according to Claim 3,

wherein

only a properly licensed data processing apparatus is enabled to decode said enabling key block, whereas a data processing apparatus devoid of a proper license is unable to decode said enabling key block in a plurality of data processing apparatuses jointly constituting leaves of said key tree structure; and

said data processing apparatus preventing such data processing apparatus devoid of a proper license from illegally implementing mutual authentication with said virtual memory device by revoking said improper data processing apparatus.

5. (previously presented) The data processing apparatus according to Claim 3, further comprising

means for subjecting said enabling key block distribution authenticating key enciphered and presented by said enabling key block to a version controlling process by way of executing a process for renewing individual versions.

6. (currently amended) The data processing apparatus according to Claim 1, further comprising:

a key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves on paths ranging from roots to leaves of said key tree structure, a plurality of data processing apparatuses being associated with the tree as own leaves,

means for enciphering leaf-keys provided in correspondence with own leaves with a storage key proper to individual ones of said data processing apparatuses and then storing in a memory means inside of the corresponding data processing apparatus.

7. (previously presented) The data processing apparatus according to Claim 1, further comprising:

a key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves on paths ranging from roots to leaves of said key tree structure, there being a plurality of data processing apparatuses corresponding to own leaves, based on leaf-keys provided in correspondence with own leaves,

a device key block stored in memory within the processing apparatus, the key block being an assemblage of ciphered keys comprising mutually different individually

enciphered node keys of plural steps ranging from own leaves up to upper-rank keys of said key tree structure.

8. (previously presented) A data processing method for executing reproduction of data from a memory device or for recording of data into said memory device, said data processing method comprising the steps of:

executing a mutual authentication process with a virtual memory device provided in said data processing apparatus when said memory device is devoid of a function to execute said mutual authentication; and

executing reproduction of data from said memory device or recording of data into said memory device conditioned on said mutual authentication being actually effectuated between said data processing apparatus and said virtual memory device.

9. (previously presented) The data processing method according to Claim 8, further comprising the steps of:

identifying whether said memory device is capable of executing said mutual authentication; and

executing a mutual authentication between said data processing apparatus and said memory device when execution of said mutual authentication is possible.

10. (previously presented) The data processing method according to Claim 8, wherein

said data processing apparatus comprises an enabling key block distribution authenticating key previously enciphered by an enabling key block containing data for enciphering renewal keys on a path which is part of a key tree structure with a variety of keys respectively disposed in correspondence with roots, nodes, and leaves on paths ranging from roots to leaves of said key tree structure, a plurality of data processing apparatuses corresponding to own leaves, said enciphering key also including data for enciphering upper-rank keys via lower-rank keys;

said mutual authentication process executed between said data processing apparatus and said virtual memory device being executed by applying said enabling key block

distribution authenticating key and the other authenticating key previously stored in said virtual memory device.

11. (currently amended) A license system for providing a data processing system with a proper license control, comprising:

means for providing an enabling key block distribution authenticating key previously enciphered by an enabling key block containing data for enciphering renewal keys on paths constituting a key tree structure comprising a variety of keys disposed in correspondence with root, nodes, and leaves on a path ranging from roots to leaves of said key tree structure, a plurality of data processing apparatuses corresponding to own leaves, said enabling key block also comprising data for enciphering upper-rank keys via lower-rank keys;

a virtual memory device;

means for executing a process for reproducing data from said-a memory device or recording data into said memory device conditioned on whether a mutual authentication is actually effectuated between said data processing apparatus and said memory device even when said memory device is devoid of a function, by making use of said virtual memory device when said memory device is incapable of mutual authentication, to execute mutual authentication with said data processing apparatus; and

means for enabling only a properly licensed data processing apparatus to properly decode said enabling key block providing said enabling key block distribution authenticating key among a plurality of data processing apparatuses for constituting said key tree structure and means for preventing such an data processing apparatus devoid of a proper license from illegally decoding said enabling key block, thereby preventing said improper data processing apparatus from illegally effectuating authentication with said virtual memory device to further prevent said improper data processing apparatus from illegally utilizing contents data.

12. (previously presented) A program providing medium which provides a computer system with a specific computer program for executing reproduction of data from a memory device or recording of data into a memory device; said computer program comprising:

a module executing a mutual authentication between a data processing apparatus and a virtual memory device provided in a corresponding data processing apparatus when the memory device is devoid of a function to execute mutual authentication; and

a module executing reproduction of data from said memory device or recording of data into said memory device conditioned upon said mutual authentication being actually effectuated between said data processing apparatus and said virtual memory device.

13. (previously presented) A data processing apparatus for recording data to, or reproducing data from, a memory device, the apparatus comprising:

a controller; and

a virtual memory;

wherein the recording of the data to, or reproduction of the data from, the memory device is conditioned upon the establishment of a mutual authentication between the controller and the virtual memory when the memory device does not support mutual authentication.

14. (previously presented) The data processing apparatus of claim 13, wherein prior to performing the mutual authentication between the controller and the virtual memory, the controller checks if the memory device supports mutual authentication and, if so, the recording of the data to, or reproduction of the data from, the memory device is conditioned upon the establishment of the mutual authentication between the controller and the memory device.

15. (previously presented) The data processing apparatus of claim 13 wherein the mutual authentication is performed between the controller and the virtual memory by applying an authenticating key stored in the virtual memory and an enabling key block distribution authenticating key, wherein the enabling key block distribution authenticating key is previously enciphered by an enabling key block comprising enciphering data for enciphering renewal keys on paths of a hierarchical key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves of the key tree structure on paths ranging from roots to leaves of the key tree structure, and wherein the data processing apparatus is associated with one of the leaves of the key tree structure, and wherein said enciphering data further comprises upper-rank keys to be enciphered by lower-rank keys.

16. (previously presented) The data processing apparatus according to claim 15, wherein the data processing apparatus is properly licensed if the data processing apparatus is

enabled to decode the enabling key block and wherein the data processing apparatus is devoid of proper licensing if unable to decode the enabling key block.

17. (previously presented) The data processing apparatus according to claim 15 wherein the enabling key block distribution authenticating key enciphered by the enabling key block is subject to a version controlling process or executing a process for renewing individual versions on the controller.

18. (previously presented) The data processing apparatus according to claim 13 further comprising a memory for storing an enciphered leaf key, the enciphered leaf key produced by enciphering a leaf key with a storage key that is associated with the data processing apparatus, the leaf key being a part of a hierarchical key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves of the key tree structure on paths ranging from roots to leaves of the key tree structure, and wherein the leaf key is associated with the data processing apparatus.

19. (previously presented) The data processing apparatus according to claim 13 further comprising a memory for storing a device key block comprising an assemblage of ciphered keys further comprising mutually different individually enciphered node keys of a hierarchical key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves of the key tree structure on paths ranging from roots to leaves of the key tree structure, and wherein one of the leaves is associated with the data processing apparatus.

20. (currently amended) A method for use in a device for recording data to, or reproducing data from, a memory device, the method comprising the steps of:

(a) executing a mutual authentication process with a virtual memory device when the memory device does not support the mutual authentication process; and

(b) if the mutual authentication between the device and the virtual memory device is successful, executing the recording of the data to, or the reproduction of the data from, the memory device.

21. (previously presented) The method of claim 20 further comprising the steps of:

(c) prior to step (a), identifying whether the memory device supports the mutual authentication process; and

(d) if the memory device supports the mutual authentication process, skipping step (a) and executing the mutual authentication process with the memory device for the purpose of recording data to, or reproducing data from, the memory device.

22. (previously presented) The method of claim 20 wherein the mutual authentication process is executed between the device and the virtual memory by applying an authenticating key stored in the virtual memory and an enabling key block distribution authenticating key, wherein the enabling key block distribution authenticating key is previously enciphered by an enabling key block comprising enciphering data for enciphering renewal keys on paths of a hierarchical key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves of the key tree structure on paths ranging from roots to leaves of the key tree structure, and wherein the device is associated with one of the leaves of the key tree structure, and wherein said enciphering data further comprises upper-rank keys to be enciphered by lower-rank keys.

23. (currently amended) A license system for use in a data processing system, the license system comprising:

means for providing an enabling key block distribution authenticating key having been previously enciphered by an enabling key block comprising enciphering data for enciphering renewal keys on paths of a hierarchical key tree structure comprising a variety of keys disposed in correspondence with roots, nodes, and leaves of the key tree structure on paths ranging from roots to leaves of the key tree structure, and wherein at least one of the leaves of the key tree structure is associated with a device, and said enciphering data further comprising upper-rank keys to be enciphered by lower-rank keys;

a virtual memory device;

means for executing a process for reproducing data from, or recording data to, a memory device conditioned on whether a mutual authentication is actually effectuated between the device and the virtual memory device even-when the memory device is devoid of a function to execute mutual authentication with the device; and

the device being properly licensed if the device is enabled to decode the enabling key block and the device being devoid of proper licensing if unable to decode the enabling key block.

24. (previously presented) A computer-readable medium for storing computer-executable software code for recording of data to, or the reproduction of data from, a memory device, said code comprising:

code for executing a mutual authentication process with a virtual memory device when the memory device does not support the mutual authentication process; and

code for executing the recording of the data to, or the reproduction of the data from, the memory device if the mutual authentication between the device and the virtual memory is successful.